

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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L.M.,

Plaintiff,

COMPLAINT

-against-

ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY
SERVICES a/k/a ST. DOMINIC'S SCHOOL, THE CATHOLIC
CAMP ASSOCIATION, INC., and CATHOLIC CHARITIES OF
THE ARCHDIOCESE OF NEW YORK,

Index No. _____

Defendant.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, L.M., by and through undersigned counsel, respectfully shows to this Court and
alleges as follows:

INTRODUCTION

This is a revival action brought pursuant to the New York Child Victims Act, CPLR § 214-g. Plaintiff was repeatedly and regularly sexually assaulted and abused by Michael O'Hara, a teacher and serial pedophile employed by the Archdiocese of New York, St. Dominic's Family Services a/k/a St. Dominic's School, The Catholic Camp Association and Catholic Charities of the Archdiocese of New York. Plaintiff was approximately eleven years-old when the sexual assaults and abuse began. Plaintiff met Michael O'Hara while he was a student at St. Dominic's School. Michael O'Hara groomed Plaintiff while at St. Dominic's School and took Plaintiff to Camp Hayes, a camp owned, operated, maintained and/or controlled by The Catholic Camp Association, Catholic Charities of the Archdiocese of New York and/or the Archdiocese of New York, in upstate New York where he was

regularly and repeatedly sexually assaulted. Plaintiff was also sexually assaulted and abused by Robert Lee, a science teacher at St. Dominic's School.

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a citizen and resident of the State of Connecticut. Plaintiff brings this Complaint anonymously because of the sensitive nature of the allegations of child sexual abuse in the Complaint, which is a matter of the utmost intimacy. Plaintiff fears embarrassment and further psychological damage if his identity as a victim of child sexual abuse were to become publicly known.

2. Defendant, ARCHDIOCESE OF NEW YORK (hereinafter referred to as "ARCHDIOCESE") is a religious institution and organization with principal offices located at 1011 First Ave., New York, NY 10022. The ARCHDIOCESE controls all Catholic religious, pastoral and educational functions in the boroughs of Manhattan, the Bronx and Staten Island, and in other counties in the greater New York metropolitan area. The ARCHDIOCESE operates and controls approximately 370 parishes, 274 schools and 90 Catholic charities. The ARCHDIOCESE is a citizen and resident of the State of New York.

3. Defendant, ST. DOMINIC'S FAMILY SERVICES a/k/a ST. DOMINIC'S SCHOOL (herein after referred to as "ST. DOMINIC'S") is a Catholic school within the ARCHDIOCESE OF NEW YORK located at 1684 White Plains Road, New York, New York 10462. ST. DOMINIC'S is a citizen and resident of the State of New York.

4. Defendant, THE CATHOLIC CAMP ASSOCIATION (hereinafter referred to as "CATHOLIC CAMP") is a domestic not-for-profit corporation with a principal place of business in New York, New York. CATHOLIC CAMP is a citizen and resident of the State of New York.

5. Defendant, CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK (hereinafter referred to as "CATHOLIC CHARITIES") is a not-for-profit New York corporation organized under the laws of the State of New York with a principal place of business located at 1011 First Avenue, New York, New York 10022. CATHOLIC CHARITIES was founded in 1917 and is a federation of approximately 90 agencies that provided various services to both Catholics and non-Catholics in the boroughs of Manhattan, the Bronx and Staten Island, as well as parts of the Hudson Valley. CATHOLIC CHARITIES is a citizen and resident of the State of New York.

6. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

7. Personal jurisdiction lies over Defendants as they are present and domiciled in the State of New York.

8. Venue of this action lies in New York County and a substantial part of the events or omissions giving rise to the claim occurred in New York County or one of the Defendants resides in New York County.

BACKGROUND AND SEXUAL ASSAULTS OF PLAINTIFF

9. Plaintiff was a student at ST. DOMINIC'S, a Catholic school located in the Bronx, New York between approximately 1965 and 1974.

10. At all times relevant and material hereto, Michael O'Hara was a physical education and eighth grade teacher employed by the ARCHDIOCESE OF NEW YORK and ST. DOMINIC'S.

11. At all times relevant and material hereto, Michael O'Hara was a camp director and counselor employed by the ARCHDIOCESE OF NEW YORK, CATHOLIC CAMP, and/or CATHOLIC CHARITIES.

12. At all times relevant and material hereto, the ARCHDIOCESE OF NEW YORK, CATHOLIC CAMP, and/or CATHOLIC CHARITIES owned, operated, maintained, and/or controlled a camp (hereinafter referred to as "Camp Hayes") in Godeffroy, New York.

13. At all times relevant and material hereto, Robert Lee was a science teacher employed by the ARCHDIOCESE OF NEW YORK and ST. DOMINIC'S.

14. In approximately 1971, Plaintiff met Michael O'Hara while Plaintiff was a student at ST. DOMINIC'S. Michael O'Hara began grooming the Plaintiff while on the premises of ST. DOMINIC'S.

15. Plaintiff was regularly and repeatedly sexually assaulted by Michael O'Hara from approximately 1971 to 1977.

16. The acts of sexual assault committed by Michael O'Hara included, but were not limited to the fondling of Plaintiff's genitals, forcing Plaintiff to masturbate, performing oral sex on Plaintiff, forcing Plaintiff to perform oral sex, taking nude photographs of Plaintiff, forcing Plaintiff to watch him masturbate, forcing Plaintiff to view pornography and forcing Plaintiff to watch adults engage in sexual activities.

17. The acts of sexual assault committed by Michael O'Hara occurred on the premises of ST. DOMINIC'S and Camp Hayes.

18. In approximately 1972, Plaintiff was sexually assaulted and abused by Robert Lee and Michael O'Hara.

19. The acts of sexual assault committed by Robert Lee included, but were not limited to, the fondling of Plaintiff's genitals.

NOTICE – FORESEEABILITY

20. Upon information and belief, Michael O'Hara was at all relevant times a serial sexual predator who sexually abused multiple boys during his employment by the Defendants.

21. Upon information and belief, Robert Lee was at all relevant times a serial sexual predator who sexually abused multiple boys during his employment by the ARCHDIOCESE OF NEW YORK and ST. DOMINIC'S.

22. In approximately 1963, Michael O'Hara was hired by the Catholic Church to serve as a teacher in various Catholic schools in the greater-New York City area.

23. In approximately 1966, Michael O'Hara was serving as a scoutmaster of Troop 225, a unit of the Boy Scouts of America based out of and/or affiliated with St. Thomas the Apostle Catholic Church in West Hempstead, New York ("St. Thomas").

24. In approximately 1966, a complaint of child sexual abuse was made against Michael O'Hara by a Troop 115 boy scout. The complaint of child sexual abuse was reported to the National Council of the Boy Scouts of America. A letter from a St. Thomas official to a local Boy Scouts' official expressed grave concern over the allegation against Michael O'Hara, requesting that the Boy Scouts take action to "protect our youth," noting that "[t]his incident happened once, and will certainly happen again unless this man [O'Hara] is taken out of his scouting capacity. Who knows how many times this [child sexual abuse] has happened before and how many youngsters.... have been badly influenced by [O'Hara]." The Boy Scouts in response asked Michael O'Hara to resign from his position as scoutmaster. A subsequent letter between Boy Scouts' officials refers to a meeting with a Long Island CYO official and the St. Thomas pastor in which Michael J. O'Hara's activities as a Boy Scouts' leader and a teacher in the Catholic schools were discussed and the need to keep him away from children acknowledged. The letter states that Michael O'Hara "happens to be a teacher in the [Archdiocese] Catholic schools and he will be up before their Board of Education this week and a determination made by the Catholic Church."

25. Despite the Catholic Church's knowledge that Michael O'Hara committed acts of sexual assault and abuse against children, Michael O'Hara was permitted to remain an employee within the Catholic Church.

26. Between approximately 1971 and 1977, Plaintiff told a priest at ST. DOMINIC'S that he was being sexually assaulted by Michael O'Hara and Robert Lee while he was a student at ST. DOMINIC'S. The priest instructed Plaintiff to keep quiet, say some prayers, and ask for forgiveness. No action was taken by the priest or the Defendants to protect Plaintiff and prevent further sexual assaults and abuse.

27. At all relevant times, the Defendants knew or in the exercise of reasonable care should have known that Michael O'Hara and Robert Lee had a propensity for the conduct which caused injury to Plaintiff, particularly that they had a propensity to engage in the sexual abuse of children.

28. At all relevant times, it was reasonably foreseeable to the Defendants that Michael O'Hara and Robert Lee would commit acts of child sexual abuse or assault on a child.

29. At all relevant times, the Defendants knew or should have known that Michael O'Hara and Robert Lee were unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his counsel, care and/or protection.

30. With such actual or constructive knowledge, the Defendants provided Michael O'Hara and Robert Lee unfettered access to Plaintiff and gave them the opportunity to commit foreseeable acts of child sexual abuse or assault.

DUTY

31. At all material times, ST. DOMINIC'S and Plaintiff were in a special relationship of school – student, in which ST. DOMINIC'S owed Plaintiff a duty of reasonable care to protect him from foreseeable harm.

32. At all material times, ST. DOMINIC'S and Michael O'Hara were in a special relationship of employer-employee, in which ST. DOMINIC'S owed a duty to control the acts and conduct of Michael O'Hara to prevent foreseeable harm.

33. At all material times, ST. DOMINIC'S and Robert Lee were in a special relationship of employer-employee, in which ST. DOMINIC'S owed a duty to control the acts and conduct of Robert Lee to prevent foreseeable harm.

34. At all material times, ST. DOMINIC'S owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while he was under the care, custody or in the presence of ST. DOMINIC'S. ST. DOMINIC'S duties encompassed using reasonable care in the retention, supervision and hiring of Michael O'Hara and Robert Lee and the duty to otherwise provide a safe environment for Plaintiff.

35. At all material times, ST. DOMINIC'S had a duty to exercise reasonable care in the training of agents, teachers and staff in the prevention of sexual abuse and protection of the safety of students in its care.

36. At all material times, ST. DOMINIC'S had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of the students in its care.

37. At all material times, CATHOLIC CHARITIES and Plaintiff were in a special relationship, in which CATHOLIC CHARITIES owed Plaintiff a duty of reasonable care to protect him from foreseeable harm.

38. At all material times, CATHOLIC CHARITIES and Michael O'Hara were in a special relationship of employer-employee, in which CATHOLIC CHARITIES owed a duty to control the acts and conduct of Michael O'Hara to prevent foreseeable harm.

39. At all material times, CATHOLIC CHARITIES owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while he was under the care, custody or in the presence of CATHOLIC CHARITIES and/or Camp Hayes. CATHOLIC CHARITIES' duties encompassed using reasonable care in the retention, supervision and hiring of Michael O'Hara and the duty to otherwise provide a safe environment for Plaintiff.

40. At all material times, CATHOLIC CHARITIES had a duty to exercise reasonable care in the training of teachers and staff in the prevention of sexual abuse and protection of the safety of children in its care.

41. At all material times, CATHOLIC CHARITIES had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of the children in its care.

42. At all material times, CATHOLIC CHARITIES and Plaintiff were in a special relationship, in which CATHOLIC CHARITIES owed Plaintiff a duty of reasonable care to protect him from foreseeable harm.

43. At all material times, CATHOLIC CAMP and Michael O'Hara were in a special relationship of employer-employee, in which CATHOLIC CAMP owed a duty to control the acts and conduct of Michael O'Hara to prevent foreseeable harm.

44. At all material times, CATHOLIC CAMP owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while he was under the care, custody or in the presence of CATHOLIC CAMP and/or Camp Hayes. CATHOLIC CAMP'S duties encompassed using reasonable care in the retention, supervision and hiring of Michael O'Hara and the duty to otherwise provide a safe environment for Plaintiff.

45. At all material times, CATHOLIC CAMP had a duty to exercise reasonable care in

the training of teachers and staff in the prevention of sexual abuse and protection of the safety of children in its care.

46. At all material times, CATHOLIC CAMP had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of the children in its care.

47. At all material times the ARCHDIOCESE, as principal, and ST. DOMINIC'S, as agent, were in an agency relationship, such that ST. DOMINIC'S acted on the ARCHDIOCESE's behalf, in accordance with the ARCHDIOCESE's instructions and directions on all matters, including those relating to the hiring of school personnel. The acts and omissions of ST. DOMINIC'S were subject to the ARCHDIOCESE's plenary control, and ST. DOMINIC'S consented to act subject to the ARCHDIOCESE's control.

48. At all material times the ARCHDIOCESE, as principal, and CATHOLIC CAMP, as agent, were in an agency relationship, such that CATHOLIC CAMP acted on the ARCHDIOCESE's behalf, in accordance with the ARCHDIOCESE's instructions and directions on all matters, including those relating to the hiring of school personnel. The acts and omissions of CATHOLIC CAMP were subject to the ARCHDIOCESE's plenary control, and CATHOLIC CAMP consented to act subject to the ARCHDIOCESE's control.

49. At all material times the ARCHDIOCESE, as principal, and CATHOLIC CHARITIES, as agent, were in an agency relationship, such that CATHOLIC CHARITIES acted on the ARCHDIOCESE's behalf, in accordance with the ARCHDIOCESE's instructions and directions on all matters, including those relating to the hiring of school personnel. The acts and omissions of CATHOLIC CHARITIES were subject to the ARCHDIOCESE's plenary control, and CATHOLIC CHARITIES consented to act subject to the ARCHDIOCESE's control.

50. At all material times, the ARCHDIOCESE and Plaintiff were in a special relationship, in which the ARCHDIOCESE owed Plaintiff a duty of reasonable care to prevent foreseeable harm.

51. At all material times, the ARCHDIOCESE and Michael O'Hara were in a special relationship of employer – employee, in which the ARCHDIOCESE owed a duty to control the acts and conduct of Michael O'Hara to prevent foreseeable harm.

52. At all material times, the ARCHDIOCESE and Robert Lee were in a special relationship of employer – employee, in which the ARCHDIOCESE owed a duty to control the acts and conduct of Robert Lee to prevent foreseeable harm.

53. At all material times, the ARCHDIOCESE owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of Plaintiff while he was under the care, custody or in the presence of the ARCHDIOCESE. The ARCHDIOCESE's duties encompassed using reasonable care in the retention, supervision and hiring of Michael O'Hara and Robert Lee and the duty to otherwise provide a safe environment for Plaintiff.

54. At all material times, the ARCHDIOCESE had a duty to exercise reasonable care in the training of teachers and staff in the prevention of sexual abuse and protection of the safety of children in its care.

55. At all material times, the ARCHDIOCESE had a duty to establish and implement policies and procedures in the exercise of reasonable care for the prevention of sexual abuse and protection of the safety of the children in its care.

BREACH

56. Defendants breached their duties by (i) failing to protect Plaintiff from sexual assault and lewd and lascivious acts committed by their agents and employees; (ii) failing to

establish policies and procedures that were adequate to protect the health, safety and welfare of students and protect them from sexual abuse; (iii) failing to implement and enforce policies and procedures that were adequate to protect the health, safety and welfare of students and protect them from sexual abuse; (iv) hiring, retaining and/or failing to supervise Michael O'Hara and Robert Lee when they knew or should have known that they posed a substantial risk of harm to children; and (v) failing to adequately monitor and supervise children on the premises of ST. DOMINIC'S and Camp Hayes.

57. At all relevant times, Defendants had inadequate policies and procedures to protect children it was entrusted to care for and protect, including Plaintiff.

58. Defendants concealed their knowledge that Michael O'Hara and Robert Lee were unsafe and failed to adopt policies and procedures that would protect children and reduce the risk of child sexual abuse by their employees.

59. Defendants failed to warn Plaintiff and similarly situated individuals that they were at risk of sexual abuse.

NATURE OF CONDUCT ALLEGED

60. This action alleges physical, psychological and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 – 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 – 130.53); and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 – 130.77).

61. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR

§ 1602, including without limitation, that Defendants acted with reckless disregard for the safety of others, including Plaintiff, or knowingly or intentionally, in concert with Michael O'Hara and Robert Lee, to permit their unfettered access to children.

COUNT I - NEGLIGENCE
(against Defendant ARCHDIOCESE OF NEW YORK)

62. Plaintiff repeats and realleges Paragraphs 1 through 61 above.

63. As a direct and proximate result of Defendants' negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

64. Defendants' acts and conduct showed a reckless or willful disregard for the safety and well-being of Plaintiff and other children.

COUNT II - NEGLIGENCE
(against Defendant ST. DOMINIC'S)

65. Plaintiff repeats and realleges Paragraphs 1 through 61 above.

66. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

67. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of Plaintiff and other children.

COUNT III - NEGLIGENCE
(against Defendant CATHOLIC CAMP)

68. Plaintiff repeats and realleges Paragraphs 1 through 61 above.

69. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries,

shame, humiliation and the inability to lead a normal life.

70. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of Plaintiff and other children.

COUNT IV - NEGLIGENCE
(against Defendant CATHOLIC CHARITIES)

71. Plaintiff repeats and realleges Paragraphs 1 through 61 above.

72. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

73. Defendant's acts and conduct showed a reckless or willful disregard for the safety and well-being of Plaintiff and other children.

WHEREFORE, Plaintiff demands Judgment against Defendants for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a Jury Trial in this action.

Dated: New York, New York
November 21, 2019

Respectfully submitted,

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